

**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

**RFA No. 1095 of 1999  
Date of decision September 5, 2012**

**Swantanter Swami and another**

**..... Appellants**

**Versus**

**The State of Haryana and another**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

Present:- Mr. Sumeet Goel, Advocate  
for the appellant.

Mr. D. D. Gupta, Additional Advocate  
General, Haryana.

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1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

**K. Kannan, J (oral).**

1. This order will dispose of RFA Nos. 1095 of 1999, 882, 515, 516,518,519,751, 883 and 1891 of 1999. All these appeals relate to assessment of compensation for urban development of Sectors 8 and 9 of Karnal. The parties were only relying on the previous judgments and one sale deed brought by the land owners in relation to period subsequent to the notification that was issued under Section 4 on 12.4.1990. The Court discarded it,

quite correctly and the reliance therefore of the Reference Court was only on an earlier judgment rendered with reference to property which was acquired that later became Sectors 7,8 and 9. The judgment had been with reference to the acquisition of property in the year 1982. Over a period of time, Courts have assessed compensation for various sectors. Learned counsel would state that the assessment under Ex.P-7 for Sectors 8 and 9 was at 41/- per sq. yard and this was determined by relying on a case in **Shamsher Singh** relating to acquisition of property in a nearly sector. **Shamsher Singh** relied on **Tajinder Singh** that related to acquisition of property to Sector 7. **Tajinder Singh** in turn relied on **Nishan Singh** for Sector 6 and Nishan Singh relied on **Dalip Singh** for acquisition of property for Sector 14. Learned counsel for the appellant would also rely on the highest compensation that has fetched through judgment of this Court in **Smt. Bindu Garg Vs. State of Haryana** reported in 1999 (2) RCR (Civil) 261. It was in relation to property in Sectors 4 and 5. where this Court had determined a compensation of ₹145/- per sq. yard for acquisition of property through a notification issued on 8.2.1989. This, according to learned counsel for the appellants is most proximate to the property which is the subject of appeal in this case.

2. Learned counsel for the State would point out that compensation to Sectors 4 and 5 could not be an appropriate exemplar and make a reference to this Court in **Ram Gopal Vs. State of Haryana in RFA No.2504 of 1994** and a batch of cases

dealt with by this Court on 5.11.2008. The Court had observed that Sectors 4 and 5 had been developed and the property acquired was in respect of a similar parcel of land and it was much more valuable than others. **Ram Gopal's case (supra)** was with reference to acquisition of property in Sectors 12 Part 2 which according to the State is proximate to the property which is the subject of acquisition in these appeals.

3. If the sale deed relied on by the appellant could not be given credence, the issue of compensation could only be guided by the range of compensation awarded for acquisition of properties for various sectors between the years 1982 to 1990. The compensations have been awarded essentially on the basis of the determination made for the acquisition of property in the year 1982 providing for escalation at 12% every year succeeding upto the year of acquisition. The acquisition which is the subject in **Bindu Garg's** case has been already considered in **Ram Gopal's case** I will not also take that to be appropriate instance to rely on for the land owner, I would do what has been done consistently over a period of years by taking the value of property at ₹51/- for the year 1982 and provide for an escalation at the rate of 12% till the date when the property was acquired in the year 1990. Learned counsel for the appellant would however, state that the appropriate escalation shall be 15% per year. The prices have been assessed for acquisition of properties before the year 1990 providing for escalation between 10 to 15% for urban properties and 5 to 7.5% for rural properties. In the manner of

providing for escalation itself the Supreme Court has in **ONGC Vs.**

**Ramesh Bhai Jivan Bhai 2008 14 SCC 745** held that whether the

gap is long, say, beyond 4 to 5 years, it would be unsafe to provide for escalation, I would take the escalation at 10% at one end of spectrum to 15% at the other and work out at a median of 12%. It will work out to ₹100/- per sq.yard. The compensation assessed already will stand revised and modified at ₹100/- per sq.yard.

4. Needless to state that the appellant would also be entitled to statutory interest and solatium for the enhanced amount in the manner provided under the provisions of the Land Acquisition Act.

**(K. KANNAN)  
JUDGE**

**September 5, 2012  
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